

REMARKS

Claims 1-13 are in the case.

Claims 1-5 and 7-13 were rejected under 35 U.S.C. 102 as anticipated by Godin '473.

As explained in the telephone interview with Examiner Snow on Oct. 30, 2007, the present inventor, Dr. Godin, is the same as the inventor on the '473 patent and Dr. Godin is very familiar with the operation of the device described in '473. The present invention was an improvement to the '473 duck bill design which in one cross section is funnel shaped.

The present prosthesis, on the other hand, is a tube with a constant diameter along the entire length thereof from the upper end to the lower end. Both the present invention and the '473 invention have at least one slit (although optional in '473) which facilitates inversion during high pressure vomiting. However, the present invention differs from the '473 invention because of the constant diameter, which Dr. Godin has discovered to be highly advantageous and a significant improvement in actual practice.

Claims 1 and 10 have been amended as agreed with Examiner Snow would overcome the rejection over the '473 reference.

For these reasons, reconsideration and allowance are solicited.

Respectfully submitted,

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